

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MARK GROVE,**

**Plaintiff,**

**v.**

**OHIO DEPARTMENT OF  
REHABILITATION AND  
CORRECTION, *et al.*,**

**Defendants.**

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**Case No. 2:18-cv-1492**

**Chief Judge Algenon L. Marbley**

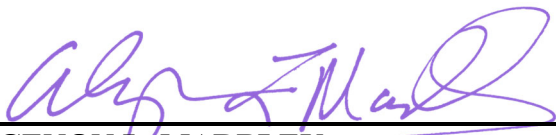
**Magistrate Judge Elizabeth P. Deavers**

**ORDER ON REPORT AND RECOMMENDATION**

This matter is before the Court on the Magistrate Judge's Report and Recommendation (ECF No. 169) that this case be dismissed with prejudice. The factual background is as follows. In April 2021, Plaintiff's sister advised the Court via letter that Plaintiff had passed away that same month. (ECF No. 164). The Court issued an order construing the letter as a formal suggestion of death for purposes of Federal Rule of Civil Procedure 25. (ECF No. 165). The Clerk served that order on Plaintiff's sister at the return address indicated in her letter. (ECF Nos. 167, 168). Because Plaintiff's sister did not move for substitution or make any other filings within the ensuing 90 days, the Magistrate Judge recommended dismissal per Rule 25. (ECF No. 169 at 2).

The Report and Recommendation also was mailed to Plaintiff's sister. (ECF No. 170). It included a section advising the parties of their right to object within fourteen days and of the rights they would waive by failing to do so. (ECF No. 169 at 3). No objection has been filed, and the deadline lapsed on September 29, 2021. Accordingly, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation. This case is **DISMISSED** with prejudice. Interested Party State of Ohio's Motion for Leave to File Answer (ECF No. 163) is therefore **MOOT**.

**IT IS SO ORDERED.**

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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: November 17, 2021**